

60,469-133  
OT-4718**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Applicant is especially grateful for the indication of allowable subject matter. For the reasons below, Applicant respectfully submits that all claims are allowable.

New claims 30-33 are added above. Claims 13-33 are currently pending in this application. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of *Sukale* and *Shepard*. There is no *prima facie* case of obviousness and the combination cannot be made.

First, the *Shepard* reference pertains to a garage door arrangement such as that used on a warehouse facility at a trucking dock (column 1, lines 7-9, for example). Such a door arrangement is not analogous to an elevator door and, therefore, the *Sukale* and *Shepard* references are from non-analogous art. It is not a proper combination under 35 U.S.C. §103 to combine the teachings of non-analogous art. The challenges facing a designer of an elevator door system are significantly different than those of a garage door arrangement.

Second, the combination cannot be made because there is no motivation for adding the teachings of the *Shepard* reference to the *Sukale* reference. The *Shepard* reference teaches a flexible guide track that is deformable responsible to a force on a door that is guided by the track. The intention of the teachings of the *Shepard* reference is to allow at

60,469-133  
OT-4718

least a portion of the door to become dislodged from the guide responsive to such a force. That is not a desirable result in an elevator door arrangement as taught by *Sukale*. In fact, if one were to incorporate such an arrangement, the possibility exists for the elevator door to become undesirably dislodged from a track, which could produce significant safety issues, for example.

Where a proposed combination presents an unworkable result, there is no motivation for making the combination and no *prima facie* case of obviousness. Here, the proposed combination does not provide a workable result because a flexible guide track as taught by *Shepard* has no use in an elevator door arrangement as shown in *Sukale*.

Third, even if the proposed combination could be made, it is not the same as the claimed arrangement. Claim 13 includes a rail and a resilient material track at least partially received on the rail. There is no suggestion within the references for incorporating the flexible guide track of *Shepard* onto the guide 2 of *Sukale*. There is no evident way of making such a combination without significantly distorting the teachings of either or both of the references. Such a combination would only be the result of hindsight based upon the benefit of Applicant's disclosure, which is not permissible when attempting to establish a *prima facie* case of obviousness under 35 U.S.C. §103.

Applicant notes that the Examiner contends that *Shepard* teaches spray on polyurethane. Applicant respectfully disagrees and finds no such teaching within the *Shepard* reference.

60,469-133  
OT-4718

There is no *prima facie* case of obviousness for any one of the reasons mentioned above. Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,  
**CARLSON, GASKEY & OLDS**

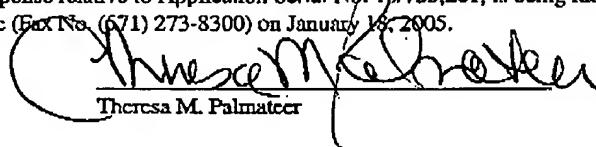
By: 

David J. Gaskey, Reg. No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: January 18, 2005

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Response relative to Application Serial No. 10/735,201, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (671) 273-8300) on January 18, 2005.

  
Theresa M. Palmateer

N:\Clients\OTIS ELEVATOR\PO0133\PATENT\Response 1-9-06.doc